

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

RYAN C.,

Claimant

Vs.

SAN GABRIEL/POMONA REGIONAL
CENTER,

Service Agency.

OAH NO. 2006020710

DECISION

This matter came on regularly for hearing, before Administrative Law Judge Roy W. Hewitt, at Pomona, California on April 14, 2006.

Claimant, who was present during the hearing, was represented by his mother and father.

G. Daniela Martinez, B.S., Fair Hearing Program Manager, represented the San Gabriel/Pomona Regional Center (service agency).

ISSUE

Should the Service Agency fund/provide 36 hours per month of adaptive skills training through Reach Integrated Services?

FACTUAL FINDINGS

1. Claimant, whose date of birth is July 2, 1991, is a fifteen year old male who qualifies for Agency services due to diagnoses of Down's Syndrome and Mental Retardation. Claimant lives at home with his parents and two sisters and he attends a special day class at Arcadia High School in the Arcadia Unified School District (the district).

2. The district is currently providing special education services to claimant based on his current, January 31, 2006, Individualized Education Program (IEP). The current IEP sets goals and objectives in the areas of independent living, recreation, leisure, community living skills (such as counting money), vocational skills, and functional academics. Claimant's parents attended the January 31, 2006 IEP meeting, participated in development of the goals and objectives, and then indicated their agreement with the goals and objectives by signing the IEP.

3. Prior to the January 31, 2006 IEP meeting claimant's parents requested that the district perform an Adaptive Skills Training (AST) assessment on claimant. Pursuant to that request, an Adaptive Skills Training assessment was conducted by Reach Integrated Services (Reach). In a report dated December 15, 2005, Reach recommends that claimant receive "9 hours per week and 36 hours per month of AST program through Reach Integrated Service to improve [claimant] in the area of motor, cognitive, social, emotion, communication, adaptive behavior, personal daily living skills and community independent skills. . . ." (Exhibit D.)

4. Based on the December 15, 2005 Reach report, Claimant's parents are now requesting that the service agency fund the Reach recommendation of 36 hours per month of AST through Reach. The service agency's personnel, including case workers, supervisors and psychologists, reviewed the December 15, 2005 Reach report, respondent's current IEP, claimant's Individual Program Plan (IPP) dated June 25, 2004 with a December 7, 2005 update, Claimants January 22, 2004 IEP, and a November 9, 2005 psychological evaluation. As a result of the review, the service agency notified claimant's parents that their request for 36 hours per month of AST was denied; however, the service agency agreed to provide 12 hours per month of AST as well as behavior intervention and an after school program to address claimant's needs. The service agency's decision and offer were based on the fact that many of the goals suggested in the Reach report were being addressed by the district in claimant's special education program.

5. Claimant's parents failed to present sufficient evidence that claimant's needs as identified in the Reach report could not be met by claimant's current special education program in conjunction with the service agency's offer of 12 hours per month of AST and an after school socialization program (three times per week). In fact, claimant's parents testimony revealed that they wanted to get as many hours of service as possible so that claimant's mother is not overwhelmed while claimant's father is out of the area on business. Claimant's father testified that an increase in the number of hours of services would be helpful even if the services funded by the service agency duplicated the services being provided by the district.

LEGAL CONCLUSIONS

The factual findings, considered in their entirety, support the service agency's denial of claimant's request for 36 hours per month of AST. The evidence establishes that the service agency's offer of 12 hours per month of AST along with an after school socialization program at the rate of three times per week is appropriate to meet claimant's special needs.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The service agency's denial of claimant's request for 36 hours per month of AST is upheld; however, the service agency shall fund 12 hours per month of AST through Reach Integrated Services, or a comparable provider, along with an after school socialization program at the rate of three times per week through Ability First, or a comparable provider.

Dated: April _____, 2006

ROY W. HEWITT
Administrative Law Judge
Office of Administrative Hearings

Note: This is a final administrative decision pursuant to Welfare and Institutions Code section 4712.5 (b)(2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.
